

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WHOLESALE EQUITY
DEVELOPMENT CORPORATION, a
Delaware corporation,

Plaintiff,

v.

PETER BARGREEN and CROWN
DISTRIBUTING COMPANY OF
EVERETT, INC., a Washington
corporation,

Defendants.

Case No. C20-1095RSM

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendants Peter Bargreen and Crown Distributing Company of Everett, Inc. (“Crown of Everett”)’s Motion for Reconsideration. Dkt. #57. Defendants seek reconsideration of the Court’s Order yesterday denying Defendants Motion for clarification of the preliminary injunction in this case. Defendants point to two errors:

First, the order states that defendants did not file a reply brief. The reply brief was filed on November 29, 2021. It was not filed on the noting date, November 26, 2021, because the Court’s website states the Court was closed that day. Per Fed. R. Civ. P. 6(a)(3), that made November 29, 2021, the filing date. Additionally, per Rule 6(a)(6)(C), November 26, 2021, was a Washington State holiday. RCW 1.16.050....

Second, the Court’s order says Crown, LLC’s distribution rights will not be terminated. As detailed in the attached brief, they are being terminated because this is an asset sale, not an equity sale. The right

1 to distribute Anheuser-Busch products is a Crown asset that will be
2 sold by Crown to an AB affiliate. Crown's right to distribute will be
terminated.

3 *Id.* at 1–2.

4 “Motions for reconsideration are disfavored.” LCR 7(h)(1). “The court will ordinarily
5 deny such motions in the absence of a showing of manifest error in the prior ruling or a showing
6 of new facts or legal authority which could not have been brought to its attention earlier with
7 reasonable diligence.” *Id.* “The motion shall point out with specificity the matters which the
8 movant believes were overlooked or misapprehended by the court, any new matters being
9 brought to the court's attention for the first time, and the particular modifications being sought
10 in the court's prior ruling.” LCR 7(h)(2). No response to a motion for reconsideration shall be
11 filed unless requested by the court. LCR 7(h)(3).

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14 The Court has determined that a responsive brief is unnecessary. The Court apologizes
15 for its error in failing to review Defendants' Reply brief, filed after the original noting date but
16 within an extended period of time permitted by Rule 6. The Court has now reviewed this Reply
17 brief. The Court finds no error in its prior ruling. The Court has considered Defendants'
18 argument that Crown LLC's right to distribute will be terminated by an asset sale and finds that
19 this does not show manifest error in the prior ruling or a matter that was overlooked or
20 misapprehended. Although Crown's assets will be sold, this does not trigger the arbitration rights
21 of RCW 19.126.040 for the reasons stated in the Court's Order and identified in Plaintiff's
22 briefing. An agreement of distributorship is not being terminated by a supplier, the agreement is
23 being transferred to a successor by a liquidating trustee through a process that was wholly
24 foreseeable by the parties and the Court for the last year. Given all of the above, Defendants
25 have failed to state a basis to reconsider the Court's prior ruling.
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1 Having considered the briefing from the parties and the remainder of the record, the Court
2 hereby finds and ORDERS that Defendants' Motion for Reconsideration, Dkt. #57, is DENIED.

3 DATED this 1st day of December, 2021.
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7 RICARDO S. MARTINEZ
8 CHIEF UNITED STATES DISTRICT JUDGE
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